

## **REMARKS**

In the Office Action, claim 20 was allowed, claims 3-6, 16-18 were indicated as allowable if rewritten in independent form to include the limitations of the corresponding base claim and any intervening claims, and claims 1-2, 7-15 and 19 were rejected. Applicant thanks the Examiner for indicating the allowance of claim 20 and the allowability of claims 3-6, 16-18.

Claim 3 has been amended to include the limitations of claim 1, from which it directly depends. Additionally, the dependency of claims 2 and 7-11 has been amended so those claims now depend directly from newly independent claim 3. Accordingly, claim 3 and its dependent claims 2, 4-11 should be in condition allowance. Independent claim 12 also has been amended, and independent claim 1 has been canceled without prejudice. Claims 2-20 remain pending in the present application.

In the Office Action, the application was objected to as containing claims directed to patentably distinct species, namely species I (Figures 2-4), species II (Figures 5-7), and species III (Figures 8-9). The election of species I made by Kevin McEnaney during a telephone conversation on February 27, 2006 is hereby affirmed. None of the claims has been withdrawn from consideration, and pending claims 1-20 can be read on the elected species.

The drawings also were objected to for failing to show every feature of the invention specified in the claims. The Examiner stated the tubing cutter referred to in claim 20 must be shown or the feature should be canceled from the claim. Accordingly, Figure 1 has been amended to illustrate the tubing cutter which is now labeled with reference numeral 34, as shown in the attached replacement sheet. The amendment is fully supported throughout the specification. For example, paragraph [0020] describes the tubing cutter, placement of the tubing cutter and use of the tubing cutter. Accordingly, no new matter has been added by the amendment to Figure 1.

The specification also was objected to based on certain informalities with respect to the language of the abstract. The abstract has been amended and placed into proper form, and the

objection should no longer be applicable. Additionally, paragraph [0020] has been amended slightly to add reference numeral 34.

Claims 1, 2, 7-10 and 12-15 were rejected under 35 USC 102(b) as anticipated by the Calhoun et al. reference, US Patent No.: 4,160,478. Independent claim 1 has been canceled without prejudice, and claims 2, 7-10 now depend from amended claim 3. Accordingly, the rejection is no longer applicable with respect to claims 1, 2, and 7-10. Claim 12 has been amended to clarify certain aspects of the claim language, and claims 12-15 are believed patentable over the cited reference.

The Calhoun et al. reference describes a well tool that can be used for cutting coiled tubing or wireline used in a tubing string. Hydraulic pressure within line 24 is used to move a thrust ring 70 which causes an operator element 71 to rotate downwardly about pivot pins 124. The pivoting motion of element 71 cuts the coiled tubing by "mashing" the opposite side walls of the tubing together and crimping the tubing until it is severed. (See column 8, lines 37-68).

However, the Calhoun et al. reference fails to disclose or suggest numerous elements of the amended, independent claim 12. For example, the reference does not disclose or suggest a sleeve rotatably mounted on the mandrel above the base, the sleeve having a mating contoured edge such that "translation of the base induces relative circumferential rotation between the sleeve and the mandrel" for cutting of a line. The Calhoun et al. reference does not disclose or suggest the use of components in a manner that creates relative circumferential rotation.

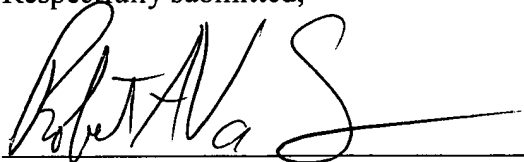
Claims 13-15 depend from independent claim 12 and are patentable for the reasons provided above with respect to claim 12 as well as for the unique subject matter found in those dependent claims. Accordingly, claims 2, 7-10 and 12-15 are patentably distinguishable over the cited reference.

Claims 11 and 19 were rejected under 35 USC 103(a) as unpatentable over the Calhoun et al. reference. This rejection is believed no longer applicable. Claim 11 now depends from allowable claim 3, and claim 19 depends from amended claim 12. Accordingly, claim 19 is

patentable for the reasons provided above with respect to claim 12 as well as for the unique subject matter recited therein.

In view of the foregoing remarks, the pending claims are believed patentable over the cited references. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert A. Van Someren', written over a horizontal line.

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Date: May 24, 2006

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## **AMENDMENTS TO THE DRAWINGS**

The attached drawing sheet includes changes to Figure 1. The sheet replaces the original sheet including Figure 1. A tubing cutter has been added to Figure 1 as fully supported in the Specification.

Attachment: Replacement Sheet